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***UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA***

**-oOo-**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL EDWARD DAVIS,

Defendant.

**2:13-cr-301-APG-CWH**

GOVERNMENT'S MOTION FOR  
LEAVE TO FILE LATE RESPONSE  
AND PARTIES' STIPULATION TO  
CONTINUE GOVERNMENT'S  
DEADLINE TO RESPOND TO  
MOTION TO SUPPRESS

COMES NOW the United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and AMBER M. CRAIG, Assistant United States Attorney, and respectfully moves this Court for leave to file a late response to Defendant Paul Davis's Motion to Suppress Evidence.

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Amber M. Craig, Assistant United States Attorney, counsel for the United States of America, and Terrence Jackson, Esq., counsel for Defendant Paul Davis, that the Government's deadline to respond to the Defendant's Motion to Suppress, currently set for February 2, 2014, be vacated and continued for three weeks, or to a date to be set at the Court's convenience.

This stipulation is entered into for the following reasons:

1. Government counsel inadvertently calendared the response deadline incorrectly.  
Government counsel has always filed timely responses with the Court.
2. Due to Government counsel's current case load, in conjunction with Government

resource and staffing issues, Government counsel needs additional time to prepare its response.

3. Defense counsel recently filed a motion to withdraw as counsel.

4. The Defendant is incarcerated and does not object to the continuance.

5. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice.

7. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

8. This is the first request for a continuance filed herein.

DATED this \_\_\_\_ day of February, 2014.

DANIEL G. BOGDEN  
United States Attorney

/s/ Terrence Jackson  
TERRENCE JACKSON, ESQ.  
Counsel for Defendant Davis

/s/ Amber M. Craig  
AMBER M. CRAIG  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

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**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER**

**FINDINGS OF FACT**

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Government counsel inadvertently calendared the response deadline incorrectly.

Government counsel has always filed timely responses with the Court.

2. Due to Government counsel's current case load, in conjunction with Government resource and staffing issues, Government counsel needs additional time to prepare its response.

3. Defense counsel recently filed a motion to withdraw as counsel.

4. The Defendant is incarcerated and does not object to the continuance.

5. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice.

7. The additional time requested by this Stipulation is excludable in computing the time

8. within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

**ORDER**

IT IS THEREFORE ORDERED that the Government's deadline to file its response to Defendant's Motion to Suppress, currently scheduled for February 2, 2014, be vacated and continued to the 24th day of February, 2014.

DATED February 5, 2014.

  
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HONORABLE CARL HOFFMAN  
UNITED STATES MAGISTRATE JUDGE